

of 395–1 and H.R. 4661, which passed the House during the 108th Congress by a vote of 415–0. H.R. 1525 is supported by numerous industry groups and privacy coalitions, including the Business Software Alliance, the Software & Information Industry Association, the U.S. Chamber of Commerce, and the Center for Democracy and Technology.

Mr. Speaker, I strongly support H.R. 1525 and urge all my colleagues to do likewise.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1525, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1615) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing Aircraft Cockpits Against Lasers Act of 2007”.

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

“§39A. Aiming a laser pointer at an aircraft

“(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) As used in this section, the term ‘laser pointer’ means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

“(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

“(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any

other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

“(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

“(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

“(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, when a laser is aimed at an aircraft cockpit, particularly at the critical stage of take-off or landing, it presents an imminent threat to aviation security and passenger safety. This has now been increasingly recognized, and we propose to do something about it today.

According to the Federal Aviation Administration, laser illuminations can temporarily disorient or even disable a pilot during critical stages of flight. And in some cases, a laser might also cause permanent physical injury to the pilot.

Since 1990 the FAA has reported more than 400 of these kinds of incidents. The rash of incidents involving laser beams is compounded by the concern that the low cost of hand-held laser devices could lead to even more incidents of these kinds happening in the future.

So the measure before us today responds to the problem by amending title 18 of our United States Code to impose criminal penalties on someone who knowingly aims a laser pointer at an aircraft or in its flight path within the special aircraft jurisdiction of the United States. The criminal penalties include imprisonment of up to 5 years and fines.

So I again extend a hand of thanks to Chairman BOBBY SCOTT of the Crime Subcommittee for expeditiously moving this bill forward. And I also commend the sponsor of this legislation, Ric Keller, who is floor manager today, the gentleman from Florida, for his leadership on addressing the danger that lasers can pose to aircraft.

Mr. Speaker, I reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Aiming a laser beam into the cockpit of an airplane is a clear and present danger to the safety of all those on board the aircraft.

This legislation is simple and straightforward. It makes it illegal to knowingly aim a laser pointer at an aircraft. Those who intentionally engage in such misconduct shall be fined or imprisoned not more than 5 years, or both, in the discretion of the judge.

This legislation was unanimously approved by all Republicans and Democrats on the House Judiciary Committee in this Congress and in the last Congress. It was also approved by the full House by a voice vote, and the Senate also approved this legislation by unanimous consent after slightly amending the legislation to provide for limited exceptions for testing and training by the Department of Defense and FAA, as well as using the laser to send an emergency distress signal. This bill represents the negotiated compromise between the House and Senate on these limited exceptions.

The problems caused by laser beam pranksters are more widespread than one might think. According to the FAA and the Congressional Research Service, there have been over 500 incidents reported since 1990 where pilots have been disoriented or temporarily blinded by laser exposure. The problem is on the rise, and there were over 90 incidents in 2005 alone.

These easily available laser pin pointers, like the one I purchased here at the Staples Office Supply Store for \$12, have enough power to cause vision problems in pilots from a distance of 2 miles. It is only a matter of time before one of these laser beam pranksters ends up killing over 200 people in a commercial airline crash.

Surprisingly, there is currently no Federal statute on the books making it illegal to shine a laser beam into an aircraft cockpit, unless one attempts to use the PATRIOT Act to claim that the action was a “terrorist attack or other attack of violence against a mass transportation system.”

So far none of the more than 500 incidents involving flight crew exposure to lasers have been linked to terrorism. Rather, it is often a case of pranksters making stupid choices to put pilots and their passengers at risk of dying. It is imperative that we send a message to the public that flight security is a serious issue. These acts of mischief will not be tolerated.

I wanted to learn what it was like to be in an aircraft cockpit hit by a laser beam; so I spoke with Lieutenant Barry Smith from my hometown of Orlando, Florida, who was actually in the cockpit of a helicopter that was hit by a laser beam.

Lieutenant Smith is with the Seminole County Sheriff's Office. He and his partner were in a police helicopter searching for burglary suspects at

night in a suburb of Orlando when a red laser beam hit the aircraft twice. Lieutenant Smith said the Plexiglas windshield of the helicopter spread out the light to the size of a basketball. It shocked them. They were flying near a large tower with a red light, and they mistakenly thought they may have flown too close to the tower. They were disoriented, and they immediately jerked the helicopter back. When they realized that they weren't near the tower after all, Lieutenant Smith began to worry that the light could have come from a laser sight on a rifle. He wondered if they were about to be shot out of the sky. He told me, "It scared the heck out of us."

In reality, it was just a 31-year-old man with a small, pen-sized laser light, standing in his yard.

In conclusion, I authored this bipartisan legislation because it is needed to ensure the safety of pilots and passengers. I urge my colleagues to vote "yes" on H.R. 1615.

I want to especially thank Chairman CONYERS and Chairman SCOTT for their bipartisanship in moving this bill forward after having hearings and mark-ups.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Crime, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1615, the Securing Aircraft Cockpits Against Lasers Act of 2007. And I want to thank Chairman CONYERS for holding a markup and moving the bill through the full committee. I would also like to thank our colleague, the gentleman from Florida (Mr. KELLER), who has been instrumental in bringing attention to this issue. Congressman KELLER introduced this bill in the 109th Congress. I joined him in cosponsoring the bill then, and I continue to support the legislation now.

The purpose of the bill is to address the problem of individuals aiming lasers at cockpits of aircraft, and this is particularly troublesome since it will usually occur at the critical stages of take-off and landing. This practice obviously constitutes a threat to aviation security and passenger safety. The bill adds a section following title 18, U.S. Code, section 38, to impose criminal penalties upon any individual who knowingly aims a laser pointer at an aircraft within the special aircraft jurisdiction of the United States.

□ 1200

The penalties impose imprisonment up to 5 years in prison.

Research from the FAA has shown that laser illuminations can temporarily disorient or disable a pilot during critical stages of flight, such as taking off and landing, and in some cases may cause permanent injury to the pilot. For example, in 2004, a laser

aimed at an airplane flying over Salt Lake City injured the eye of one of the plane's pilots. In January, 2005, responding to concerns regarding this escalating problem, the FAA issued an advisory to pilots instructing them to immediately report laser beams directed at their aircraft.

The House passed similar legislation in the 109th Congress. The Senate did, also. The legislation placed a provision in title 49, the Transportation title, and included a different level of intent. The House and Senate were unable to agree on a compromise version before the end of the 109th Congress. This version represents a compromise between the House and the Senate from the last Congress.

Although I have some concern that when the bill is applied it might involve some misguided young person fooling around with a laser beam, I realize that the conduct the bill prohibits can be dangerous, so it must be strongly discouraged. Since the bill does not have mandatory minimum sentencing, the Sentencing Commission and the courts can apply appropriate punishment for violators based on the facts and circumstances of the individual case.

After the bill is passed, as a further precautionary step, the appropriate committee of jurisdiction should consider requiring manufacturers of laser products to issue strong notices and warnings on the items and packaging regarding the provision of this law to put users on notice.

Mr. Speaker, I think passing this bill is an appropriate step for Congress to address this potentially dangerous problem. Accordingly, I urge my colleagues to support the legislation.

Mr. KELLER of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume merely to thank the leaders of this measure, Messrs. SCOTT and KELLER, for moving. For once we've got in front of a problem before something has gone wrong and have a tragedy in the air that would send us rushing back to the floor to pass this very measure that we are passing today, I hope.

Mr. Speaker, it is out of that pride that I thank everyone on the Judiciary Committee that played a role in this matter. And as has been pointed out, it doesn't matter whether it is a prank or whether it is sabotage, this prospective law gets the word out to everybody that these laser beams are dangerous when being flashed on planes or pilots in the air. The catastrophe is unthinkable.

I congratulate my colleagues, and I ask the Members to join all of us in support of this legislation.

Mrs. CAPITO. Mr. Speaker, I rise in support of H.R. 1615, Securing Aircraft Cockpits Against Lasers Act of 2007.

The bill amends the Federal criminal code to prohibit aiming a laser pointer at an aircraft or at the flight of an aircraft in the special aircraft jurisdiction of the United States.

In the last 15 years, the FAA reports over 500 incidents where people have aimed lasers into airplane cockpits. FAA research has shown that laser illuminations can temporarily disorient or disable a pilot during critical stages of a flight such as landing or take-off, and in some cases, may cause permanent damage.

This type of interference cannot be tolerated. This is a good, commonsense measure aimed at deterring and prosecuting those who commit a senseless act of potential sabotage.

I congratulate Congressman KELLER, the sponsor of this legislation, for his leadership and dedication to this issue. I urge my colleagues to support the bill.

Mr. WELDON of Florida. Mr. Speaker, I rise in support of H.R. 1615, Securing Aircraft Cockpits Against Lasers Act of 2007. I commend my colleague from Florida who serves on the Judiciary Committee for bringing this bill forward from that committee.

This is an important step in furthering aviation security. We have already taken a number of steps since 9/11 to make our skies safer for the flying public and this is one more important step in that direction.

This bill establishes a new Federal crime for anyone who aims a laser pointer at an aircraft or the flight path of an aircraft. This new statute will enable Federal law enforcement officials to pursue cases that it would not otherwise be able to pursue. Those prosecuted under this new law would face fines and time in prison.

Establishing these penalties will help address an issue that threatens public safety, pilots, and aviation security. When aimed at aircraft, lasers can cause not only discomfort, but they can also cause temporary or permanent visual impairment at critical stages of take-off and landing. The National Transportation Safety Board has already documented instances in which pilots sustained eye injuries and were incapacitated during critical times of flight. Furthermore, the Judiciary Committee report on H.R. 1615 highlights the findings of a report from the U.S. Department of Transportation that since 1990 there have been over 400 reports of lasers being pointed at aircraft.

In the aftermath of 9/11, the FAA took steps to require that air traffic controllers immediately notify pilots about laser events. The FAA is also to immediately notify local law enforcement and security agencies. This will enable police to act in a more timely manner to identify and prosecute those shining lasers at aircraft.

Mr. Speaker, I believe that this bill is a good step in helping protect the flying public and pilots.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 1615, the "Securing Aircraft Cockpits Against Lasers Act of 2007." While the goal of this legislation—to keep our air passengers safe and to effect better "homeland security"—I must point out that initially I was very concerned that this penal legislation was not tailored narrowly enough to exclude only the evil sought to be prohibited.

That is why I offered an amendment during markup of this bill. My amendment was designed to limit the scope of the bill so that it fulfills its intended purposes, which is to protect aircraft crew, and through them passengers, by prohibiting the aiming of the beam of a laser pointer at an aircraft, or the flight

path of such an aircraft. My amendment clarified that the significant penal provisions in the bill are directed at conduct that is harmful to the aircraft or crew. Specifically, my amendment adds an important and useful qualification to the bill's definition of a "laser pointer" to mean:

1. Any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object; and

2. Is capable of inflicting serious bodily injury if aimed at an airplane cockpit from a minimum distance of 500 yards.

But after consulting with the bill's managers, I am satisfied that it is not necessary to require that the offending laser pointer be capable of inflicting "serious bodily harm" from a minimum distance of 500 yards. I am persuaded that the language used in the bill implies a standard of at least "significant risk" to airplane pilots, crew, and passengers.

I agree, for example, that using a laser pointing device capable of temporarily blinding or causing a pilot to become disoriented is clearly a "significant risk." My major concern with the definition of laser pointers was that it did not distinguish between the kind you can buy at a dollar store that runs on a couple of AAA batteries and has a range of about 25 feet and a high powered laser scope that has a range 100 times as far. But based on my discussions with the bill's managers, Mr. SCOTT and Mr. KELLER, I am satisfied that the legislation anticipates that investigative and prosecutorial resources will not be used to prosecute and punish the use of laser pointers that do not pose any safety risk to airplane pilots, their crew, or airline passengers.

Mr. Speaker, for these reasons, I have determined that I can and will support the bill and I urge my colleagues to do likewise.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1615, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESERVING UNITED STATES ATTORNEY INDEPENDENCE ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 214) to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving United States Attorney Independence Act of 2007".

SEC. 2. VACANCIES.

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court."

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of enactment of this Act who was appointed under section 546 of title 28, United States Code, may serve until the earlier of—

(A) the qualification of a United States attorney for such district appointed by the President under section 541 of that title; or

(B) 120 days after the date of enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1), the district court for that district may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to give all Members 5 legislative days to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to describe this measure, Senate bill 214, as an important one that will restore historical checks and balances to the process by which interim U.S. attorneys are appointed. It will repair a breach in the law that has been a major contributing factor to the recent termination of at least nine talented and experienced United States attorneys and their replacement with interim appointments.

The full circumstances surrounding these terminations are still coming to light. It is a process being given much attention by the Committee on the Judiciary. But much of the information is well known, and is also considerably troubling. One U.S. attorney was fired

to make way for a political operative who endeared himself to Mr. Karl Rove doing opposition research in the Republican National Committee. Others were apparently fired because they were not sufficiently partisan in the way they used these powers to investigate and prosecute alleged voting fraud. Now, I don't need to tell anybody in this body how important voting is to the democratic process.

These reports are particularly troubling because of the awesome power the United States attorneys, 93 of them in total, are entrusted with. They seek convictions. They negotiate plea agreements. They can send citizens to prison for years. They can tarnish reputations. They can destroy careers with the mere disclosure that a person is under criminal investigation. We, in this country, must have full confidence that these powers are exercised with complete integrity and free from improper political influence. Unfortunately, sometimes this is not the case.

These troubling circumstances that have been revealed were made possible by an obscure provision, quietly and secretly slipped into the PATRIOT reauthorization conference report in March of last year at the behest of the Justice Department's top political appointments, to enable them to appoint interim temporary U.S. attorneys without the customary safeguard of Senate confirmation.

Mr. Speaker, what this measure does is restore the checks and balances that have historically provided a critical safeguard against politicization of the Department of Justice and the United States attorneys, limiting the Attorney General's interim appointments to 120 days only, then allowing the district court for that district to appoint a U.S. attorney until the vacancy is filled, with Senate confirmation required, as historically has been the case.

Now, Members of the House, we have already passed similar legislation. While I would prefer to see our version enacted into law, we are taking up the Senate-passed version in order to expedite the enactment of this important step in restoring legal safeguards against the abuse of executive power to politicize the Federal prosecutorial function in the Department of Justice. I wanted to single out my colleague from California, HOWARD BERMAN, a senior member of the committee, for his role in fashioning not only the original version, but the one that we have before you to agree upon.

Mr. Speaker, at this point, I would reserve the balance of my time.

Mr. KELLER of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, prior to 1986, the district court appointed interim U.S. attorneys to fill vacancies until a replacement could be nominated by the President and confirmed by the Senate. In 1986, the process was changed to authorize the Attorney General to appoint an interim U.S. attorney for 120